

## **REMARKS**

Claims 2, 7, 26 and 27 have been amended. Claims 1-29 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 112, Second Paragraph, Rejection:**

The Office Action rejected claims 7 and 26-28 under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 7, 26 and 27 have been amended to address this rejection. In light of the amendments to claims 7, 26 and 27, withdrawal of this rejection is respectfully requested.

### **Section 102(e) Rejection:**

The Office Action rejected claims 12-14 and 17-24 under 35 U.S.C. § 102(e) as being anticipated by Schibilla (U.S. Patent 6,384,999). Applicant respectfully traverses this rejection for at least the following reasons.

**In regard to claim 12, Schibilla does not teach a controller that is configured to inhibit read access to a first portion of the storage medium if the first portion's address is listed on a non-read list, wherein the controller is configured to remove the first portion's address from the non-read list in response to a successful write to the first portion.** The Examiner states that Schibilla discloses detecting a "marginally defective data site" and further determining if the data site is still able to be read from successfully. The Examiner states that Schibilla thus *implies* that read access to the data site is inhibited during this process, and is "listed" internally to allow for Schibilla's method of data site reliability testing. The Examiner's interpretation of Schibilla is clearly incorrect. In fact, Schibilla explicitly teaches that reads from the data site are not inhibited. For example, at col. 6, lines 39-46 Schibilla states: "During operation of disk drive 30, data sites 78 containing user data are read from disk surface 52. In some instances, the disk read operation encounters difficulty when reading a particular data site

78. As an example, multiple retries may be required in order to successfully read data from the data site.” (emphasis added). At col. 6, lines 52-54, Schibilla states: “Marginally defective data sites are defined as data sites that are still operational, but which frequently encounter recoverable errors during normal operation of the disk drive.” (emphasis added). Thus, Schibilla clearly teaches that reads from marginally defective data sites are not inhibited. At most, Schibilla teaches that a read to a marginally defective data site may be retried several times before it is successfully completed.

According to Schibilla, if data cannot be successfully read at all from a data site, then the data site is deemed to have a permanent hard sector error that cannot be recovered (col. 1, lines 57-60; col. 6, lines 55-57). In Schibilla, once a data site has a “hard error”, no attempt is ever made to write or read that data site again. The “successful rewriting” operation in Schibilla applies only to marginally defective data sites; however, as shown above, Schibilla does not inhibit reads for marginally defective data sites. Thus, the rejection of claim 12 is not supported by the teachings of Schibilla and withdrawal thereof is respectfully requested.

Similar arguments apply in regard to independent claim 18. Applicant also asserts that the rejection of numerous ones of the dependent claims is further unsupported by the teachings of the cited art. However, since the rejection of the independent claims has been shown to be improper, a further discussion of the rejection of the dependent claims is not necessary at this time.

**Allowable Subject Matter:**

Claims 1-6, 8-11 and 29 are allowed. The Examiner also indicated that claims 7, 15, 16 and 25 include allowable subject matter. Applicant also notes that no prior art rejection was asserted against claims 26-28.

## CONCLUSION

Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-09700/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$  
for fees (        ).
- ☐ Other:

Respectfully submitted,



Robert C. Kowert  
Reg. No. 39,255  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

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